

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2004**

**WESTERN ARCTIC NATIONAL PARKLANDS**

**Bering Land Bridge National Preserve  
Cape Krusenstern National Monument  
Kobuk Valley National Park  
Noatak National Preserve**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2004. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments from one organization, consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and comments from the State of Alaska.

**GENERAL COMMENTS:**

**Determinations:**

The State of Alaska (State) pointed out that the parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) will attempt to incorporate the State's suggestion by creating a second section to the compendium that includes the lengthier determinations. Short italicized explanations may still accompany an individual compendium entry to facilitate reader understanding.

**Use of state law**

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases.

**Limit applicability to Federal Lands**

The State requests an introduction to each compendium explaining that these compendium regulations only apply to park areas managed by the NPS.

We concur with the comment and have added in the introductory paragraph the phrase *in park areas* and in addition a sentence referencing the applicability and scope of the regulations and the compendium found in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1. These sections carefully articulate where the regulations, and the compendium, apply.

**Compendiums as educational tools:**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education. However, the NPS believes that the purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions.

**Use of the terms "aircraft," "airplane" and "fixed-wing aircraft"**

The Wilderness Society (TWS), National Parks Conservation Association (NPCA) and Alaska Center for the Environment (ACE) commented that the term *aircraft* is used in the compendiums when they felt that the terms *airplane* and *fixed-wing aircraft* would be more appropriate based on Section 1110(a) of ANILCA.

The NPS believes that the use of the term *aircraft* is appropriate where used since the term is identical to that used in the regulations. And while the term *aircraft* is used, fixed-wing aircraft uses are the only aircraft specifically permitted under 43 CFR 36.11.

**36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:**

**2.1 (a) (5) Designated areas for walking or climbing on cultural sites**

Except where there are park specific issues, the State has encouraged consistent wording, commenting that the current wording might confuse readers.

The NPS will continue to attempt to attain consistency using the following phrase, which specifically addresses the regulation paragraph. The italics section has been expanded for clarity, incorporating the State's suggestion.

"There are no designated areas or conditions."

*Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.*

**2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21 adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

#### **2.14(a)(5) Designated areas for bathing and washing**

The State of Alaska specifically commented on Western Arctic National Parklands entry under 2.14(a)(5). The State suggested clarity due to a contradiction. Based on the comment the entry has been modified. Western Arctic National Parklands believes the following provides clarity.

“Bathing is permitted in the Serpentine Hot Springs Bathhouse.”

*Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.*

#### **2.14(a)(7) Sanitation designated areas for disposal of fish remains.**

The State suggested consistency and clarity. Based on the comment the entry has been modified. We believe the following is consistent with the regulation and provides clarity for the reader.

“There are no designated areas.”

*Fish remains may not be disposed on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

#### **2.14(a)(9) Human waste disposal in nondeveloped areas.**

Where possible, the State of Alaska has suggested a uniform distance of 100 feet as the appropriate distance from water, campsites, or a trail, and further consideration concerning the use of cat holes and disposal of toilet paper.

The NPS agrees to adopt a uniform distance but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance.

The State of Alaska specifically commented on Western Arctic National Parklands entry under 2.14(a)(9). The State would like to see human waste minimally covered within the vegetative layer. The park discussed this matter and determined that any amount of ground disturbance could cause an archeological site disturbance. It was also determined that utilizing vegetative layers to cover human waste in places with low vegetation, poor soil, and harsh climate conditions could cause vegetation to sustain long term damage and/or composition change. Therefore the State’s recommendation could not be adopted. The State also disputed the rationale that leaving human waste on the surface increases visitor safety. This wording has been deleted. We concur that further dialogue is appropriate on these issues, especially as technology and other factors develop.

#### **3.6(k) Launching or operating airboats**

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment request the NPS change this section to reflect the national prohibition on airboats. They state that ANILCA and its implementing regulations do not

specifically provide for airboat use. And furthermore, they state that the NPS has identified airboats to be a separate and distinct class of boat.

After considering the Wilderness Society, NPCA and ACE comments, the NPS believes that the reference to 3.6(k) is unnecessary in the compendium since 36 CFR 3.6(k) does not provide the superintendent with discretionary authority. We will eliminate the reference to 3.6(k). We wish to continue discussion on the issue, however.

### **3.20(a) Water skiing**

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment asks that all waters be designated as closed to water-skiing. They state that water skiing is prohibited unless designated as open and that there is no provision in ANILCA superceding this regulation.

Water skiing has not been an issue in most parks in Alaska. It is within the authority of individual Superintendent's to designate areas open if that is appropriate in their individual areas. Parks will continue to evaluate this on a park-by-park basis.

### **13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

The State requested that the word *use* be changed to *purposes* in the section header and that parks annually consider whether specific park cabins are routinely used for subsistence purposes for designation.

The NPS believes that the word *uses* is appropriate since it is the precise wording of the regulation found in 13.17(e)(4)(i), as opposed to the wording found in 13.17(e)(4). The parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis.

### **13.17(e)(5)(i) Designated cabins for general public use.**

The State has recommended that in areas where public cabins exist and are not under public use permit the parks adopt language giving the public short term authority to use the cabins for up to 14 days.

There are significant differences in cabin management between the parks in Alaska for a variety of reasons. The NPS believes that this issue cannot be addressed with general language and must be addressed on a park-by-park basis.

### **13.19(b) Carrying Firearms**

The State encourages the NPS to 1) provide for the use of bear spray in all Alaska park units, 2) allow the use of firearms, nets and traps for legitimate hunting, fishing, and trapping under state and federal laws, and 3) allow transport of firearms for legal purposes across the former Katmai National Monument.

The NPS appreciates the State of Alaska's comments on our current efforts to initiate a Phase I special regulation package to modify existing regulations.

### **13.22(c) Unattended personal property**

The State of Alaska supported our efforts in establishing a default time period, recognizing the public's seasonal needs, and requiring the identification of personal property. The State objected to our limit of 30 gallons, the requirement of storing fuel 100 feet from a water source and the requirement of approved steel fuel containers.

We received no other comments on this section. In the near future the NPS plans on proposing special regulations and hopes that public comments will help provide direction on this issue, specifically the gallon limit and the requirement of storing away from a water source. We agree that the requirement for a steel fuel container may be unnecessary and will drop that requirement. There are some concerns, however, that plastic fuel containers may be a problem involving bears and we will continue to work with all interested parties on this matter.

The Native Village of Kotzebue IRA specifically commented on Western Arctic National Parklands entry under 13.22(c). The Native Village of Kotzebue IRA requested that the park consider allowing fuel storage in approved plastic storage containers since this method is most commonly practiced. The Native Village of Kotzebue IRA supported the park in allowing more than 30 gallons of fuel to be cached without a Special Use Permit from the Superintendent.

The park has dropped the requirement of approved steel fuel containers. The following addresses the modified fuel storage container requirement.

- Storing fuel within 100 feet of a water source, high water mark of a body of water, or mean high tide is prohibited unless authorized by the Superintendent. Fuel must be contained in an undamaged and closed fuel container designated for fuel storage. Fueling from containers must occur in such a manner that any spillage would be prevented from coming into contact with water, soil, or vegetation.

The park has further discussed the 30 gallon limit among the staff and with representatives from The Native Village of Kotzebue IRA. The park has decided to restrict the fuel cache limit to 30 gallons per park unit, per registered owner. It is the park's understanding that individuals are not caching fuel in the park units. Day trips are becoming more common with those involved in subsistence activities and theft of unattended fuel caches is a concern. Therefore individuals are storing their fuel on native allotments and/or hauling the necessary amount of fuel with them. A Special Use Permit may be obtained from the Superintendent for unique and special circumstances if more than 30 gallons of fuel is desired to be cached on parklands. In 2003 the park restricted the fuel cache limit to 30 gallons and did not receive any requests for Special Use Permits. The park will continue to request public input on this matter. The following has been added to 13.22 (c).

- Leaving fuel in more than one location in a park unit or leaving more than 30 gallons of fuel is prohibited unless authorized by the Superintendent.

**WESTERN ARCTIC NATIONAL PARKLANDS**  
**Bering Land Bridge National Preserve**  
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**COMPENDIUM**  
**2004**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of these units can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Western Arctic National Parklands, P.O. Box 1029, Kotzebue, Alaska 99752 or call (907) 442-3890 for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits.

**(a)(2) Designated areas for specific use or activity or conditions**

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

**1.6(f) Compilation of activities requiring a permit**

- Scientific research, (1.5)
- Collecting research specimens, (2.5)
- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))

- Operating a public address system, (2.12)(a)(4))
- Air delivery, (2.17(a)(3))
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))
- Grazing, (2.60(a)(1),(2)); reindeer grazing, (2.60(a)(1), re: 16 USC 410hh, 25 USC 500)
- Residing on federal lands, (2.61(a))
- Installing a monument or other commemorative installation, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, (5.7)
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Abandoned property, leaving property unattended for over 4 months, (13.22(b))
- Cabins on federal lands-
  - ◊ General use and occupancy, (13.17(e)(1), (2))
  - ◊ Commercial fishing, (13.17(e)(3))
  - ◊ Subsistence-exclusive use, (13.17(e)(4)(i))
  - ◊ Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, (13.17(e)(7))
  - ◊ Cabins otherwise authorized by law, (13.17(e)(8))
- Subsistence use in national parks or monuments by a person who does not live within the boundary of the national park or monument or a resident zone community, (13.44(a))
- Using aircraft access for subsistence activities in the Park, (13.45(a), 13.45(b)(1), 13.73(a)(1))
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, (13.49(a)(1))
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, (43 CFR 36.10(b))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))
- Salvaging, removing, possessing aircraft, (43 CFR 36.11 (f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for collection of dead and downed timber for firewood**



Superseded by 13.20(b)(4) and 13.49(b).

\*13.20(b)(4) allows the collection of dead or downed timber by hand for personal use for firewood.

\*13.49(b) allows federally qualified subsistence users to collect dead or downed timber for firewood.

**2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites**

There are no designated areas or conditions.

*Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.*

**2.1(b) Designating trails**

No restrictions on walking or hiking at present.

**2.1(c)(1-3) Designated fruits and berries, to harvest by hand**

Superseded by 13.20(b)(1) and 13.49(b).

\*13.20(b)(1) allows the collection of fruits, berries, mushrooms, and other natural plant food items by hand for personal use.

\*13.49(b) allows federally qualified subsistence users to collect fruits, berries, mushrooms, and other natural plant food items.

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas**

Hunters are required to identify themselves and the location where the wildlife that is being transported across park/preserve land was taken when requested by a park ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.

*This requirement is intended to allow transport of legally taken game across Park/Monument lands.*

**2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure. For sport hunting in the Preserve, state law prohibits the use of artificial light. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances (50 CFR Section 100).

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe**

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

**2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks**

All areas are designated as open for fishing from motor road bridges and boat docks.

**2.4 (a)(2)(i) Carrying of weapons at designated locations and times**

Superseded by 13.19(b).

**2.10 (a) Camping - designated sites, areas, conditions and permits**

Superseded in part by 13.18(a).

**2.10(d) Food storage - designated areas and methods**

Throughout the park, all food (except legally taken game), food containers, garbage, harvested fish and equipment used to cook or store food must be stored in one of the following ways when not in use:

- secured within a hard sided building, or
- secured within lockable and hard sided section of a vehicle, vessel, or aircraft, or
- in a bear resistant food container, or
- cached a minimum of 100 feet from camp and suspended at least 10 feet above the ground when possible and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

Note: This does not apply to clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.

Storage of food below ground is prohibited.

A bear resistant section or container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- steel drums with locking rings
- modified military ammo cans or bear resistant metal panniers
- metal raft dry boxes

Unacceptable Bear Resistant Food Containers include:

- ice chests
- coolers
- tents
- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)
- hard or soft shelled kayaks with standard hatch covers

*The intent of these requirements is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike.*

## **2.11 Picnicking - designated areas**

Superseded by 13.18(b).

## **2.13(a)(1) Fires - Designated areas and conditions**

Campfires are authorized in all areas of the park without a permit. All trash (tin foil, burnt food, glass and cans) must be removed from the fire site after use.

*This requirement is intended to ensure that all trash is removed from campsites.*

## **2.14(a)(2) Sanitation and refuse - using government receptacles**

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

## **2.14(a)(5) Sanitation - designated areas for bathing and washing**

Bathing is permitted in the Serpentine Hot Springs Bathhouse.

*Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.*

## **2.14(a)(7) Sanitation- designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed of on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

## **2.14(a)(8) Sanitation - human waste in developed areas**

Human waste must be disposed of in public restrooms and outhouses where available.

## **2.14(a)(9) Sanitation - designated areas for disposal of human waste in undeveloped areas**

If an outhouse is not available, human waste will either be removed as trash or disposed of on the ground surface at least 100 feet from a water source. Burying human waste is prohibited.

*This requirement is intended to ensure that proper disposal of human waste occurs in order to protect vegetation, archeological sites and water quality.*

## **2.14(b) Sanitation- conditions concerning disposal, carrying out of human waste**

Toilet paper will either be burned or carried out as trash.

## **2.15(a)(3), (a)(5), (b), (e) Pets**

This regulation section contains restrictions, such as pets must be leashed or physically restrained, and therefore there are no additional conditions.

## **2.16 (a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

## **2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

Access for subsistence purposes under 36 CFR 13.45 supersedes this section.

## **2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited at present.

## **2.17(c)(1) Removal of downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

## **2.18(c) Snowmobiles-designated areas for use**

No areas are designated for snow machine use.

Superseded in part by 43 CFR 36.11(c) Special access

Superseded by 36 CFR 13.46(a) for subsistence uses.

## **2.19(a) Winter activities-designated areas**

This section does not apply.

## **2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

## **2.21 Smoking**

All park offices and visitor facilities are closed to smoking. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

*These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.*

## **2.22 Property - leaving property unattended for 24 hours**

Superseded by 13.22.

## **2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption**

No restrictions at present.

## **2.38(b) Explosives - areas designated for using fireworks**

No areas designated for use of fireworks. Fireworks are prohibited.

## **2.51(e) Public assemblies/meetings - designated areas**

All areas are open to public assemblies with a permit from the superintendent.

*The permit requirement is intended to ensure assemblies can occur, but with minimal impact on park visitors and activities.*

**2.52(e) Sale and distribution of printed matter-areas designated for such use**

All areas are open to distribution with a permit from the superintendent.

*The permit requirement allows sale or distribution of printed matter with minimal impact on park visitors and activities.*

**2.60(a)(3) Designated areas for grazing**

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit within the Monument, Park, and Preserve. Reindeer grazing is authorized in Bering Land Bridge National Preserve under 36 CFR 2.60(a)(1), 16 USC 410hh, and 25 USC 500 pursuant to a permit from the Superintendent.

*These restrictions seek to lessen the impact of extended camps on vegetation.*

**2.62(b) Memorialization-designation of areas for scattering ashes**

All areas of the park are open to scattering of ashes without a permit.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations - designated launching areas**

All areas are open to launching of boats.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing-designated waters**

All waters are designated as open.

**3.21(a)(1) Swimming and bathing-areas designated as closed**

All park waters are open to swimming.

**3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc.**

No conditions established at present.

## **PART 4. VEHICLES AND TRAFFIC SAFETY**

### **4.10 Travel on park roads and designated routes-areas designated for off-road use in Preserves**

No routes or areas designated for the use of ORVs at present. See also 43 CFR 36.10, 36.11(c), (g)).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section. ORV access for reindeer grazing in Bering Land Bridge National Preserve under 13.61(a) supersedes this section.

### **4.11(a) Load weight and size limits - permit requirements and restrictive conditions**

No restrictions at present.

### **4.21(b), (c) Speed limits-designation of a different speed limit**

No designations necessary at present.

### **4.30(a) Bicycles-closed areas**

Superseded by 43 CFR 36.11(e).

### **4.30(d)(1) Wilderness closed to bicycle use**

Superseded by 43 CFR 36.11(e).

### **4.31 Hitchhiking-designated areas**

All areas of the park are open to hitchhiking.

## **PART 5. COMMERCIAL AND PRIVATE OPERATIONS**

### **5.7 Construction of buildings, roads, trails, airstrips, or other facilities**

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required. Any other construction requires a permit.

## **PART 13. ALASKA REGULATIONS**

### **SUBPART A – PUBLIC USE AND RECREATION**

#### **13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked**

No conditions established at present (may require access permit).

#### **13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

No designations at present. Subsistence uses of these facilities require a permit from the superintendent.

**13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities, published annually**

No conditions or standards established.

**13.17(e)(5)(i) Designated cabins or other structures for general public use**

No cabins or other structures designated for public use at present.

**13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins**

No restrictions at present.

**13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility (more than 14 days)**

Individuals must remove facility, all personal property, and return the site to its natural condition.

*These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.*

**13.18(a) Restricted areas for camping**

Areas temporarily restricted or closed to camping will be listed under 13.30(d)(2).

**13.18(b) Picnicking-areas where prohibited by posted signs**

No restrictions at present.

**13.19(b) Carrying firearms**

Temporary restrictions will be listed under 13.30(d)(2).

**13.20(d) Preservation of natural features**

There are no additional restrictions.

**13.22(c) Designate areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

- All caches must be labeled with the name of the owner, home address, telephone number, and date that the cache was established. If the cache contains fuel, the type of fuel must be noted. Unlabeled caches may be removed or impounded.
- Caches left for more than 4 months will be considered abandoned and may be removed or impounded by Park Rangers.
- All caches must be secured in such a manner that wildlife is unable to access the cache contents.
- Leaving fuel in more than one location in a park unit or leaving more than 30 gallons of fuel is prohibited unless authorized by the Superintendent.
- Storing fuel within 100 feet of a water source, high water mark of a body of water, or mean high tide is prohibited unless authorized by the

Superintendent. Fuel must be contained in an undamaged and closed fuel container designated for fuel storage. Fueling from containers must occur in such a manner that any spillage would be prevented from coming into contact with water, soil, or vegetation.

- A Special Use Permit may be obtained from the Superintendent for unique or special circumstances different from above. All such requests must be made in writing to the Superintendent at P.O. Box 1029 Kotzebue, AK 99752.

*Unlabeled or undated caches are an indication that the owner has no intention of returning or retrieving the property. Experience indicates that caches older than 4 months are usually abandoned. Unlabeled fuel is of questionable use since fuel deteriorates with age. Fuel caches require special containers and handling because fuel spills can contaminate soil and water. Fluctuating river levels and unstable stream banks make streamside, gravel bar, and flood plain cache locations unsuitable.*

**13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife**

No closures or restrictions at present.

**13.30(d)(2) Temporary closures and restrictions (other)**

No closures or restrictions at present.

**SUBPART B – SUBSISTENCE**

**13.49(a)(1) May permit cutting in accordance with specifications of permit for subsistence timber harvest (house logs & firewood)**

Subsistence green wood harvest policy pending.

**13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes**

No restrictions at present.

**SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS**

**13.61(a) ORV use in Bering Land Bridge National Preserve for reindeer grazing**

ORVs are allowed pursuant to a permit for the purpose of grazing reindeer.

**13.69(a)(2) Customary trade of handicraft articles made from plant materials**

Handicraft articles made from plant material taken by local rural residents of the park area is permitted.

**43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**



**36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities**

No closures or restrictions at present.

**36.11(d) Temporary closures or restrictions on use of motorboats**

No closures or restrictions at present.

**36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation**

No closures or restrictions at present.

**36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft**

No closures or restrictions at present.

**36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft.**

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**36.11(g)(1) Use of off-road vehicles (ORV) on designated routes**

No designated routes at present.

Please see the attached appendices for maps and/or more extensive determinations below.

Julie A. Hopkins /s/ \_\_\_\_\_

**Julie A. Hopkins  
Superintendent**

March 15, 2004 \_\_\_\_\_

**Date**

March 4, 2003

***Determination of Need for a Restriction, Condition, Public Use Limit, or Closure***

Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, §1.5 (c) and 2.10 (d), the Superintendent of Western Arctic National Parklands has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully harvested fish, and equipment used to cook or store food throughout the parklands.

These restrictions include:

Throughout the park, all food (except legally taken game), food containers, garbage, harvested fish and equipment used to cook or store food must be stored in one of the following ways when not in use:

1. secured within a hard sided building, or
2. secured within lockable and hard sided section of a vehicle, vessel, or aircraft, or
3. in a bear resistant food container, or
4. cached a minimum of 100 feet from camp and suspended at least 10 feet above the ground when possible and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

Note: This does not apply to clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.

Storage of food below ground is prohibited.

A bear resistant section or container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- steel drums with locking rings
- modified military ammo cans or bear resistant metal panniers
- metal raft dry boxes

Unacceptable Bear Resistant Food Containers include:

- ice chests
- coolers
- tents

- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)
- hard or soft shelled kayaks with standard hatch covers

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. commonly used campsite, tent, kayak, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While the nutritional impact on wildlife may vary depending on a number of factors, no negative impact, including the consumption of human food, is acceptable under National Park Service management policies.
7. Bears who become habituated to human food in the parklands are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not work are:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife / human conflict and impacts.

2. Recognizing that variations in environment and subsistence and recreational activities require multiple food storage options, the parklands is allowing users several different ways in which food can be stored.
3. The parklands is assisting visitors by supplying bear resistant food storage containers (BRFC) for free loan at the parklands headquarters in Kotzebue, Alaska. This is for human safety and to make compliance less onerous.
4. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored in all areas of the park.
5. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment and facilities to promote compliance, these conditions are the less restrictive required to fulfill the park mission of protecting wildlife and human safety.

Julie A. Hopkins  
**Julie A. Hopkins**  
**Superintendent**

March 15, 2004  
**Date**

March 4, 2003

***Determination of Need for a Restriction, Condition, Public Use Limit, or Closure***

Subject: Smoking

Pursuant to Title 36 of the Code of Federal Regulations, §1.5 (c) and 2.21 (a), the Superintendent of Western Arctic National Parklands has determined that smoking restrictions are necessary due to public health concerns and in order to protect public safety from fire or explosion around fuel storage and dispensing facilities.

These restrictions include:

All park offices and visitor facilities are closed to smoking. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

The reasons for this restriction are as follows:

1. To protect public safety from fire or explosion around fuel storage and dispensing facilities.
2. To reduce the risk of a fire.
3. To prevent conflicts among park staff and visitor use activities.
4. Due to public health concerns regarding the harmful effects of inhaling smoke.

The reasons less restrictive measures will not work are:

1. It would be dangerous to the public and to the resources if smoking were allowed within 100 feet of the fuel and aviation gas storage facility.
2. Conflicts would arise between staff members and visitor use activities if smoking were allowed in park offices and visitor facilities.

Julie A. Hopkins /s/ \_\_\_\_\_  
**Julie A. Hopkins**  
**Superintendent**

March 5, 2004 \_\_\_\_\_  
**Date**

March 4, 2003

***Determination of Need for a Restriction, Condition, Public Use Limit, or Closure***

Subject: Restrictions on Unattended Property- 36 CFR 13.22 (c)

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c), the Superintendent of Western Arctic National Parklands has determined that in order to provide for the protection of resources it is necessary to place restrictions and conditions on unattended property left in the parklands.

These restrictions include:

1. All caches must be labeled with the name of the owner, home address, telephone number, and date that the cache was established. If the cache contains fuel, the type of fuel must be noted. Unlabeled caches may be removed or impounded.
2. Caches left for more than 4 months will be considered abandoned and may be removed or impounded by Park Rangers.
3. All caches must be secured in such a manner that wildlife is unable to access the cache contents.
4. Leaving fuel in more than one location in a park unit or leaving more than 30 gallons of fuel is prohibited unless authorized by the Superintendent.
5. Storing fuel within 100 feet of a water source, high water mark of a body of water, or mean high tide is prohibited unless authorized by the Superintendent. Fuel must be contained in an undamaged and closed fuel container designated for fuel storage. Fueling from containers must occur in such a manner that any spillage would be prevented from coming into contact with water, soil, or vegetation.
6. A Special Use Permit may be obtained from the Superintendent for unique or special circumstances different from above. All such requests must be made in writing to the Superintendent at P.O. Box 1029 Kotzebue, AK 99752.

The reasons for this restriction are as follows:

Abandoned and unattended property has the potential to negatively impact park resources and users. Fuel spills, wildlife obtaining human food, and aesthetic impairments are primary concerns.

These restrictions reasonably allow for caching of property to support subsistence and recreational activities in the parklands while allowing management control, user accountability, and resource protection.

The reasons less restrictive measures will not work are:

Historically, the park has found that property left more than 4 months is likely abandoned and requires cleanup and removal at public expense. Should unique and/or special circumstances dictate a longer storage period, a Special Use Permit may be issued to allow for that.

There is no foreseeable need for more than 30 gallons of fuel to be cached for camping, boating, snowmachine and aircraft activities. It is the park's understanding that individuals are not caching fuel in the park units regardless of the time of year. Day trips are common with recreational users and are becoming more common with those involved in subsistence activities and theft of unattended fuel caches is a concern. Therefore individuals are storing their fuel on native allotments and/or hauling the necessary amount of fuel with them. Additional fuel, if needed, can be bought in villages located near the park's boundary. Should unique and/or special circumstances dictate a larger amount of fuel to be cached, a Special Use Permit may be issued to allow for that.

Requirements for containment of leaks and storage away from wildlife are the minimum acceptable restriction for resource protection.

Requirements for the marking of caches are the minimum required to identify ownership and contact owners to resolve any problems.

Julie A. Hopkins /s/  
**Julie A. Hopkins**  
**Superintendent**

March 5, 2004  
**Date**